

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40342 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- PURAINI District- Madhepura

Arvind Kumar, S/O Late Basudeo Mahto, R/O Vill.- Separdah Tole Tirasi,
Ward no. 13, P.S.- Puraini, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Puraini P.S. Case No. 16 of 2025, dated 22.01.2025,
registered under Sections 318(4), 316 of the B.N.S.

3. The prosecution case, in brief, is that the petitioner
being In-charge Head Master of upgraded Middle School,
Tirasi, has committed theft of Mid Day Scheme Rice and
misappropriated Government Property, and there is direction of
District Education Officer, Madhepura, vide Letter No. 22,
dated 20.01.2025 to lodge F.I.R. against concerned In-charge
Head Master Sri Arvind Kumar (Petitioner).

4. It is submitted by the learned counsel for the
petitioner that petitioner is innocent and has falsely been



implicated in this case due to School politics after becoming In-charge of the School. The allegation of theft of rice of mid may meal is absolutely not tenable as the petitioner was posted as In-charge Headmaster for a short period and after becoming In-charge of the said School, his subordinate teacher, who was also interested for becoming Headmaster of the School thatched conspiracy in lodging the present case, while the fact is that there is no such theft having been taken place. It has next been submitted that vide order contained in Letter No. 402, dated 30.07.2024, the Block Education Officer, Puraini, directed the then In-charge Headmaster of Tirasi to handover the charge of School after his retirement and the petitioner assumed the charge of In-charge Headmaster in the month of September, 2024 of the said School. It has further been submitted that the contents of the F.I.R. does not disclose as to what is the quantity which is said to have been stolen and misappropriated by committing theft.

5. Learned Additional Public Prosecutor submits that from the F.I.R. it is apparent that there were altogether 48 bags containing 2400 K.G rice were kept in the store room, while upon opening of the store room only 25 bags containing 1250 Kg. rice were found.

6. At this stage, learned counsel for the petitioner submits that petitioner is ready to deposit Rs. 20,000/- (Twenty



thousand) as against the alleged misappropriation, which should be made subject to final result of the case. The learned APP has no objection to the submission made by the learned counsel for the petitioner and accordingly the proposal is accepted.

7. Considering the fact that as against the alleged misappropriated rice, the petitioner is ready to deposit Rs. 20,000/- within a period of two weeks and upon such deposit, as proposed, the learned court below would be obliged to accept the same and enlarge the petitioner on bail by imposing conditions to its satisfaction, in connection with Puraini P.S. Case No. 16 of 2025, pending in the court of learned A.C.J.M., Udakishunganj.

(Ajit Kumar, J)

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